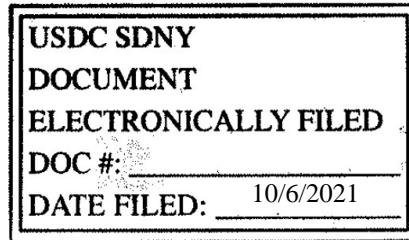


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
ERIC ROGERS,

Plaintiff,

-against-

FRENCHY COFFEE NYC LLC and 129-31  
EAST 102 STREET HOUSING  
DEVELOPMENT FUND CORPORATION,

Defendants.  
-----X

19-CV-9958 (VSB)

**ORDER**

VERNON S. BRODERICK, United States District Judge:

Plaintiff filed this action on October 28, 2019, (Doc. 1), and filed affidavits showing that service was effected on Defendants on November 20, 2019, (Docs. 5 & 6). On July 21, 2021, I directed Plaintiff to seek default judgment “in accordance with Rule 4(H) of my Individual Rules . . . by no later than August 3, 2021” or risk being involuntarily dismissed for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (Doc. 9.)

Plaintiff has failed to make acceptable filings seeking default judgment. Among other things, my Individual Rules require an attorney’s affidavit stating “[t]he proposed damages and the basis for each element of damages, including interest, attorney’s fees, and costs.” Plaintiff failed to submit such an affidavit. Moreover, Plaintiff’s proposed default judgment is unacceptable in form. (*See* Doc. 15.) Among other things, the proposed default judgment would impose injunctions without setting forth sufficient reasons, specificity, and detail as required by Federal Rule of Civil Procedure 65(d)(1). Additionally, the proposed default judgment is written as if it is a prayer for relief rather than a judgment, which should have definite language as to its terms. (*See, e.g., id.* at 2 (“Further, that the Plaintiff be awarded, not less than one thousand

dollars (\$1,000) in compensatory damages based on the Defendants' violation of the NYCHRL and the NYSHRL . . . .").)

Accordingly, by October 15, 2021, Plaintiff must file appropriate papers seeking a default judgment as detailed in my Individual Rules. Failure to do so likely will result in dismissal for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated:     October 6, 2021  
          New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first letter "V" is large and prominent. The signature is positioned above a horizontal line.

VERNON S. BRODERICK  
United States District Judge